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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7076/2019, CM Nos. 29477-29478/2019**
NEETU SINGHAL

..... Petitioner

Through: Mr. Kirti Uppal, Sr. Adv. with Ms.
Manisha Mehta and Mr. Aditya,
Advts.

versus

NORTH DELHI MUNICIPAL CORPORATION AND ANR.

..... Respondents

Through: Mr. Kapil Dutta and Ajjay Aroraa,
Advts. for NDMC

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **04.07.2019**

CM No. 29478/2019 (for exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 7076/2019

1. The present petition has been filed by the petitioner with the following prayers:

“In view of the foregoing submission, it is most respectfully prayed that this Hon’ble Court may be pleased to:

a) Issue a writ of certiorari or any other appropriate writ or direction thereby quashing the communication of the respondent No.1 in the Communication dated 26/6/2019,

illegally demanding the ownership documents of other floor and subsequently rejecting the regularisation application.

b) Issue a writ of mandamus or any other appropriate writ direction thereby directing respondent No.1 to accused regularisation of the building plan submitted by the petitioner in respect of Property No. KU-27, Pritampura Delhi without putting the pre-condition of obtaining No objection certificate by the petitioner from the owners of the suit property.

c) Any other order or direction which this Hon'ble Court finds deem fit and proper in the facts and circumstances of the present case.”

2. This is a third round of litigation inasmuch as the petitioner had earlier filed two writ petitions being W.P. (C) 5694/2019 which was decided on May 22, 2019 and W.P. (C) 6686/2019 decided on May 31, 2019. This Court had disposed of W.P. (C) 5694/2019 on May 22, 2019, by stating as under:

“Having heard the learned counsel for the parties, I am of the view that the plea raised by Mr. Sanjay Sharawat is appealing. Appropriate for the respondents shall be to consider the application of the petitioner dated May 14, 2019 at page 35 of the paper book with regard to regularisation of the construction and pass appropriate orders before proceeding further with the proceedings pursuant to notice

dated April 30, 2019.

Accordingly, the respondents shall not hold the proceedings on May 23, 2019 but shall hold the proceedings on May 27, 2019 when the petitioner shall appear before the concerned Officer and make her submissions on the application for regularisation. It is expected that the said officer shall pass an order on the regularisation application. If the application is decided against the petitioner, the officer shall proceed with the proceedings pursuant to notice dated April 30, 2019. It may also be that if the application of the petitioner for regularisation is accepted, the proceedings pursuant to notice dated April 30, 2019 shall automatically stand lapsed.

The writ petition is disposed of.

Dasti under the signature of the Court Master.”

3. Similarly, the writ petition being W.P. (C) 6686/2019 was disposed of by this Court by stating as under:

“Having noted the submissions made by counsel for the parties, I deem it appropriate to direct the respondents to grant one more hearing to the petitioner which shall be on 03.06.2019 at 3 PM, when the petitioner shall produce all the documents in support of her case including the documents satisfying the ground of the respondents that the documents submitted by her are not

in order.

On the submission of the documents, the respondent shall also hear the petitioner on the same and then pass a speaking and reasoned order within one week thereafter.

If the application is decided against the petitioner, the Officer shall proceed with the proceedings pursuant to the notice dated April 30, 2019 by notifying the date of hearing to the petitioner. If the application for regularisation is accepted, the notice dated 30.04.2019 shall automatically stand lapsed. The communication dated May 23, 2019, is quashed.

The writ petition is disposed of in the aforesaid terms.”

4. It is the submission of Mr. Kirti Uppal, learned Senior Counsel appearing for the petitioner that the petitioner is in receipt of communication dated June 26, 2019 whereby the respondents have sought the following documents:

“1. The instant proposal / plan is required to be submitted for the entire / complete structure / construction existing on the plot in question.

2. The ownership documents are required to be submitted for the complete building without leaving any part belonging to any other co-owner therefrom.”

5. It is his submission that the document at serial No.2 above cannot be insisted upon by the Nr. DMC in view of the position of law as laid down by this Court in ***Kanwal Sibbal v. NDMC and Ors., 2015 VIII AD (Delhi) 235.*** I note that the petitioner was granted seven days to submit the documents. Appropriate for the petitioner was to submit a reply to the said communication. Admittedly, they have not done that. In fact the instructing counsel states she has visited the respondents and brought to their notice the judgment of ***Kanwal Sibbal (supra)*** which the respondents have not considered.

6. Mr. Uppal states that as the period of seven days is expiring today, the petitioner be granted two more days to file reply to the notice placing on record the judgment as rendered by this Court in ***Kanwal Sibbal (supra)***. This submission of Mr. Uppal is acceptable to Mr. Dutta. If that be so, the petitioner shall be at liberty to file a reply to the communication dated June 26, 2019, within two days i.e on or before July 06, 2019.

7. It goes without saying that the respondents shall act in accordance with the orders already passed by this Court in the previous writ petitions, as noted above.

The writ petition is disposed of.

CM No. 29477/2019

Dismissed as infructuous.

V. KAMESWAR RAO, J

JULY 04, 2019/aky